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HOUSE BILL 2124

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Appleton and Moeller

Read first time 02/09/2007. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to investigation information of medical marijuana  
2 patients; and amending RCW 69.51A.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read  
5 as follows:

6            (1)(a) If charged with a violation of state law relating to  
7 marijuana, any qualifying patient who is engaged in the medical use of  
8 marijuana, or any designated primary caregiver who assists a qualifying  
9 patient in the medical use of marijuana, will be deemed to have  
10 established an affirmative defense to such charges by proof of his or  
11 her compliance with the requirements provided in this chapter. Any  
12 person meeting the requirements appropriate to his or her status under  
13 this chapter shall be considered to have engaged in activities  
14 permitted by this chapter and shall not be penalized in any manner, or  
15 denied any right or privilege, for such actions.

16            (b) Where a state-funded or locally funded law enforcement agency  
17 arrests an individual who, during the course of the investigation,  
18 asserts that he or she is a qualifying patient, the law enforcement  
19 agency shall not provide any information from the investigation to any

1 law enforcement authority that does not recognize the protection of  
2 this chapter and the prosecution of the individual shall be conducted  
3 pursuant to the laws of Washington.

4 (2) The qualifying patient, if eighteen years of age or older,  
5 shall:

6 (a) Meet all criteria for status as a qualifying patient;

7 (b) Possess no more marijuana than is necessary for the patient's  
8 personal, medical use, not exceeding the amount necessary for a sixty-  
9 day supply; and

10 (c) Present his or her valid documentation to any law enforcement  
11 official who questions the patient regarding his or her medical use of  
12 marijuana.

13 (3) The qualifying patient, if under eighteen years of age, shall  
14 comply with subsection (2)(a) and (c) of this section. However, any  
15 possession under subsection (2)(b) of this section, as well as any  
16 production, acquisition, and decision as to dosage and frequency of  
17 use, shall be the responsibility of the parent or legal guardian of the  
18 qualifying patient.

19 (4) The designated primary caregiver shall:

20 (a) Meet all criteria for status as a primary caregiver to a  
21 qualifying patient;

22 (b) Possess, in combination with and as an agent for the qualifying  
23 patient, no more marijuana than is necessary for the patient's  
24 personal, medical use, not exceeding the amount necessary for a sixty-  
25 day supply;

26 (c) Present a copy of the qualifying patient's valid documentation  
27 required by this chapter, as well as evidence of designation to act as  
28 primary caregiver by the patient, to any law enforcement official  
29 requesting such information;

30 (d) Be prohibited from consuming marijuana obtained for the  
31 personal, medical use of the patient for whom the individual is acting  
32 as primary caregiver; and

33 (e) Be the primary caregiver to only one patient at any one time.

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